

The regular meeting of the Board of Health was held in the Board of Health Building on Wednesday, March 24, 2004 at 7:40 p.m. Dennis Twyford called the meeting to order, and led the salute to the flag.

**THIS MEETING WAS HELD IN ACCORDANCE WITH THE OPEN PUBLIC MEETING ACT, NJSA 10:4-1 ET. SEQ. ANNUAL NOTICE HAVING BEEN FORWARDED TO THE NEW JERSEY HERALD, THE NEWS LEADER AND POSTED ON THE BULLETIN BOARD MAINTAINED IN THE MUNICIPAL BUILDING FOR PUBLIC NOTICES.**

**ROLL CALL:**

**PRESENT:** Dennis Twyford, Mariano Gianni, Rob Bond, Thomas Forbes, James Vanderhoof, Melinda Conti and Catherine Cokelet. Council members, Madeline McManus, John Armeno and Paul Fisher were present.

**ABSENT:**

**MEETING OPENED TO THE PUBLIC:** No comments from public.

**MEETING CLOSED TO THE PUBLIC**

**MINUTES OF THE PREVIOUS MEETING:** Rob made a motion to accept the February minutes, seconded by Mariano.

**HEALTH OFFICER REPORT:** Items two, three and nine will be discussed under old business.

**SANITARY REPORT:**

**BOROUGH NURSE REPORT**

**HEALTH EDUCATOR**

**REGISTRAR REPORT**

**ANIMAL CONTROL:** *Hopatcong/Stanhope*

**ALL REPORTS:** Jim made a motion to accept all reports, seconded by Rob. All in favor.

**SWAT:** No report.

**CORRESPONDENCE:**

1. Carl read the letter he had written to Mayor and Council for 316 Lakeside Ave.'s septic system. The Board endorses their application for a DEP Treatment Works Approval as required for a sealed system. Carl then read a resolution from Mayor and Council endorsing their application. It was voted on and passed with an approval.
2. Carl had an application for New Jersey Local Boards of Health Association. Melinda made a motion to renew our membership, seconded by Thomas. Roll call, all in favor.
3. Carl read a letter from Mayor Hodson that was addressed to the Board members. The letter referred to the subject of removing plastic bags from our ordinance. Dennis said that Mayor Hodson felt that it was one particular area that the crows were attacking the bags and opening up the garbage. The Mayor also said if we were to amend the ordinance to prohibit plastic bags, it would penalize other residents in the town for one particular part of the Borough. Dennis said he then talked with Dan Wills and Dan felt it was not one particular area of the Borough. Dennis then passed pictures around showing there are very few cans in certain areas. There were some bags that were opened and trash was around the area. Jim said the businesses in town all have dumpsters. Over the weekend, they are full and they don't cover them. The garbage is laying all over the place. Why can't we make them put a fence up and close them up? Carl said they are to provide containers with lids. The trucks are going down the road with wet garbage, leaking all over. When the dumpsters are open and we get a rainstorm, in goes the garbage with twenty-five gallons of water. If it has ever been squeezed in front of your mailbox, it is not pretty. It is a problem. The town has chosen to pick up all the business, which poses a problem. It is an enforcement of our own house, so to speak. Jim asked Carl to write a letter, Carl said he would state in the letter that they are in violation of our ordinance and they need to fix the lids on those dumpsters. Rob brought up the point that maybe if there is the potential for a lot more garbage cans for them to handle (DPW), they need to be handled properly in terms of not just throwing them on the ground in front of the mail box. If Dan is asking for more cans, this could potentially result in more complaints if they are not going to take the extra two seconds to set the can down out of the way. Melinda added there is nothing wrong with Dan stressing to his employees the care that should be maintained. We are not asking them to pick them up and set them exactly where they were.

Dennis asked if the Board would like to hold off on this until they get feed back from Dan Wills. Melinda made a motion to wait an additional month and ask both people to join us at our next meeting, seconded by Thom.

4. Carl talked about the second part of the above-mentioned letter from Mayor Hodson. He said the Board had talked about utilizing the existing septic systems that will be abandoned for disposing those waters that will not go into the sewer or that we are trying to keep out of the sewer. The Mayor wants us to revisit that. Gary and I are of the opinion that we can do it on a case-by-case basis. Under no circumstances, we would allow the use of a seepage pit or a septic tank. Where they have a field that is very safe, it will not collapse, I don't have a problem, neither does Gary. Out of 100% of septic, I would guess 30-35% are fields. Carl said we need to get in all of these homes to identify the sumps, then we could direct them into the field, then they need to be educated that they cannot put them into the sewer. You talk about a pump cycle every minute, how many gallons will that be sending down there? When the plumbing inspector goes to make the connection, he should include something on his inspection report. At that point, we can generate the letter, we will educate them.

Rob asked about the down spouts from gutters. Carl said the person that has a pit; it will be filled in so his rainwater will run right where is running now. Rob asked, what would be normally done with a field? Would the junction box just be left in place? Carl answered, yes. The tank would be filled in and everything else would be left in the ground. Carl said this is a perfect opportunity to recharge your water in your yard. Some will not do it and some will think it is a good idea. Thom made a motion to draft a letter to the Mayor, seconded by Jim. All in favor.

#### **OLD BUSINESS:**

1. Smoking in Borough vehicles: Dennis said he attended a Mayor and Council meeting and smoking in Borough vehicles had come up. Dennis said he spoke with Mr. Fisher and the request was that members of the BOH sit with a couple members of the Council to discuss and review to see if there is a need for such a policy Borough wide. Laurie Spaziani and Mr. Bunce will be there from the Council. The two Board members that will be on the committee are Melinda and Jim. The date will be set at another time.
2. Ordinance 11-2004: Carl read the Ordinance by title and said if there would be no further discussion, do we have a motion to accept the Ordinance on final reading and passage, Melinda made the motion, seconded by Thom. Roll call, all in favor.

Ordinance 12-2004: Carl read the Ordinance by title and said if there would be no further discussion, do we have a motion to accept the Ordinance on final reading and passage, Rob made the motion, seconded by Thom. Roll call, all in favor.

3. Questions for Health Officer Interview: Catherine said she had written down questions on a set of index cards and she read them to the Board. There were seven questions in all. There was a brief discussion about the questions. Carl and Gary will also write a scenario about septic and wells. The time allowance for each candidate will be 45 minutes with 15 minutes between each person for discussion. We do not want each applicant passing each other.
4. Doodles, potentially dangerous dog: Melinda asked about Doodles and mentioned that he turned up missing last week. Catherine asked how that came about. Carl answered that he could not discuss this in detail because there is an ongoing investigation with our Police Dept. in the disappearance of Doodles. He has been returned and is back in our Pound. There is a family that would love to adopt him. I took the liberty to contact the lawyer and had him go over some verbiage to see if it would keep the town from being liable. He did approve a draft of that. Mr. Robinson has relinquished the ownership of the dog. We are trying to work out the semantics of this dog thing. I had Dale sit down and type up a Hold Harmless letter and I passed it over to the attorney. Carl read the letter to the Board. Melinda asked if the Borough of Hopatcong has the authority to release Doodles to anyone other than the owner, or does the judge decide if this dog can be placed with someone else. Carl said it would have to be asked of the attorney. Madeline McManus suggested the Borough Attorney, Richard Stein look at the Hold Harmless letter just because he is the Municipality Attorney and I have confidence in him. Carl said, all I am hearing from everyone, no one given me any other information than what I am going to be telling you now. We have incarcerated the wrong dog. The dog that has been in our Pound, from what they are telling me is that this dog is absolutely not aggressive. It is not anything like what it was

portrayed to be in it's day in court. The reason that I am saying this, there is another dog that was involved in the attack that is still in that home that is of aggressive nature. That has been told to me by people that have gone there. I am thinking of the dog. I sure as heck do not want to send an innocent dog to death. We can go back and review this case under this appeal by Dale. I see your concerns and they are absolutely valid. I also wanted to give you my side of what I know. Catherine asked if Carl might think the dog is innocent and he answered, yes. Carl said all I ask of this Board is not to rule out the idea that this may be able to be facilitated. Steve Ward said he would assist us in that manner. I want to protect the town. Melinda said she is an animal lover, but people come first. I don't want to see the dog killed, but we couldn't keep the dog forever.

Rob said even if Mr. Stein said that Hold Harmless letter is perfect, do we have the authority to release the dog? We need to also ask if we could be sued by a third party if someone were injured by that dog.

Dennis said as this issue stands now, we are not going to be able to resolve anything at this table right now, we have some work ahead of us.

Carl said he would bring Mr. Stein up to speed on this.

Melinda said she would prefer that the dog to not be given away in between one of our meetings.

**NEW BUSINESS:** None.

Jim made a motion to adjourn, seconded by Rob. Meeting adjourned at 9:30 pm.

Respectfully Submitted,

Rosemarie Mitchell